



PATENT

**DECLARATION AND POWER OF ATTORNEY FOR  
UNITED STATES LETTERS PATENT APPLICATION**

As a below-named inventor, I, Zeina Tannous, Abel Torres, and Salvador González, hereby declare that:

My residence, post-office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: CONTRAST ENHANCING SOLUTION FOR USE IN CONFOCAL MICROSCOPY, the specification of which was filed on June 27, 2003 and assigned Application No. 10/607,630 identified as Attorney Docket No. MGH-036AUS and MGH Case No.1924.

I hereby state that I have reviewed and understand the contents of the above-identified application specification, including the claims, as amended by any amendment specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Country	Application Number	Date of Filing (month, day, year)	Priority Claimed Under 35 USC 119
			_ Yes    No _
			_ Yes    No _

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION


I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

Application Number	Date of Filing (month, day, year)	Priority Claimed Under 35 USC 119(e)
60/392,515	June 27, 2002	<u>X</u> Yes    No _
		_ Yes    No _
		_ Yes    No _

I hereby claim the benefit under Title 35, United States Code §120, of the United States Application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United State Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56, and which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Date of Filing (month,day,year)	Status (Patented/Pending/Abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Patent  
Application No.: 10/607,630  
Atty. Docket No. MGH-036AUS  
MIT Case No. 1924

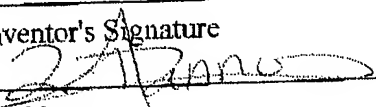
I hereby appoint:

Christopher S. Daly	Reg. No. 37,303
Judith C. Crowley	Reg. No. 35,091
Donald F. Mofford	Reg. No. 33,740
Paul D. Durkee	Reg. No. 41,003
Richard M. Sharkansky	Reg. No. 25,300
David W. Rouille	Reg. No. 40,150
Kermit Robinson	Reg. No. 48,734
Robert V. Klauzinski	Reg. No. 42,742

all of Daly, Crowley & Mofford, LLP, 275 Turnpike Street, Suite 101, Canton, Massachusetts 02021-2354, jointly, and each of them severally, my attorneys at law, with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all telephone calls and address all correspondence to:


Paul D. Durkee  
Daly, Crowley & Mofford, LLP  
275 Turnpike Street, Suite 101  
Canton, Massachusetts 02021-2310  
Telephone no. (781) 401-9988 x11  
Facsimile: (781) 401-9966  
pdd@dc-m.com

Full name of First Joint Inventor Zeina Tannous	
Inventor's Signature 	Date 3/18/04
Residence 1 Longfellow Place, Apt. 814, Boston, MA 02114	
Country of Citizenship Lebanon	
Post Office Address (if different)	

Patent  
Application No.: 10/607,630  
Atty. Docket No. MGH-036AUS  
MIT Case No. 1924

Full name of Second Joint Inventor Abel Torres	
Inventor's Signature	Date
Residence 25853 Sunrise Way, Loma Linda, California 92354	
Country of Citizenship United States of America	
Post Office Address (if different)	

Patent  
Application No.: 10/607,630  
Atty. Docket No. MGH-036AUS  
MIT Case No. 1924

Full name of Third Joint Inventor Salvador González	
Inventor's Signature 	Date 3/15/04
Residence 143 Newton Road, Newton, MA 02460	
Country of Citizenship Spain	
Post Office Address (if different)	

Q:\mgh-036aus pto dpoa.doc



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/607,630  
Applicant : Zeina Tannous et al.  
Filed : June 27, 2003  
T.C./A.U. : 1645  
Examiner : Not Yet Assigned

Confirmation No.: 8743

Docket No. : MGH-036AUS  
Customer No. : 022494

---

**Certificate of Mailing (37 C.F.R. 1.8(a))**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date set forth below.

19 Mar 04  
Date of Signature

By: Paul D. Durkee  
Paul D. Durkee  
Reg. No. 41,003  
Attorney for Applicant(s)

---

**Declaration of Paul D. Durkee**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sirs:

1. My name is Paul D. Durkee and I am a patent attorney at the law firm of Daly, Crowley and Mofford LLP.

2. In accordance with instructions from Massachusetts General Hospital (MGH), my law firm prepared the above-identified patent application for Massachusetts General Hospital (MGH) related to a contrast enhancing solution for use in confocal microscopy. It is my understanding and belief that the inventors are Zeinna Tannous, Abel Torres, and Salvador Gonzalez.

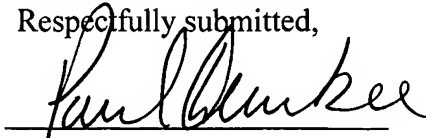
3. The above-identified application was filed on June 27, 2003.
4. Inventors Tannous and Gonzalez executed declarations without application number on August 20, 2003 and September 5, 2003 respectively and again on March 18, 2004 with application number.
5. Abel Torres was no longer employed by MGH when the application was filed.
6. It came to my attention that Michele O'Shea at MGH, in accordance with her Declaration attached herewith, has not been able to obtain a signed Declaration Abel Torres.
7. (see Exhibits A2-F2) On February 23, 2004, I sent a cover letter (Exhibit A2), the above identified patent application (Exhibit B2), a declaration document (Exhibit C2), and assignment document (Exhibit D2) to inventor Abel Torres at the address below by Express Mail with receipt having number ER 333137910 (Exhibit E2). I received confirmation that delivery occurred on February 24, 2004 (Exhibit F2). No signed declaration or assignment were subsequently returned to me.

Abel Torres, Ph.D.  
25853 Sunrise Way  
Loma Linda, California 92354
8. (see Exhibits G2, H2) On March 1, 2003, I sent an email (Exhibit G2) to Abel Torres attaching the application as filed, the figures, the Declaration, and an Assignment. No response to this email was received. It is my belief that the email address for Abel Torres is the correct address based upon a email response (Exhibit H2) to an administrative assistant ([pam@dc-m.com](mailto:pam@dc-m.com)) at my office.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 19 Mar 04

Respectfully submitted,



Paul D. Durkee  
Registration No. 41,003  
Attorney for the Applicant(s)  
Daly, Crowley & Mofford, LLP  
275 Turnpike Street - Suite 101  
Canton, MA 02021-2310  
Telephone: (781) 401-9988 x21  
Facsimile : (781) 401-9966  
pdd@dc-m.com

Attachments: Exhibit A2-H2

Q:\mgh\036aus (1924 - Gonzalos)\mgh-036aus Declaration of Paul Durkee.doc





DALY, CROWLEY & MOFFORD, LLP

275 TURNPIKE STREET - SUITE 101  
CANTON, MASSACHUSETTS 02021-2354

TELEPHONE: 781-401-9988

FACSIMILE: 781-401-9966

CHRISTOPHER S. DALY  
JUDITH C. CROWLEY  
DONALD F. MOFFORD  
PAUL D. DURKEE

OF COUNSEL  
RICHARD M. SHARKANSKY

KERMIT ROBINSON  
DAVID W. ROUILLE  
ROBERT V. KLAUZINSKI

[www.dc-m.com](http://www.dc-m.com)

Via Express Mail Label No.: ER333137910US  
February 23, 2004

Abel Torres, Ph.D.  
25853 Sunrise Way  
Loma Linda, California 92354

Re: U.S. Patent Application of Zeina Tannous et al.  
Application No.: 10/607,630  
Filed On: June 27, 2003  
Entitled: CONTRAST ENHANCING SOLUTION FOR USE IN CONFOCAL MICROSCOPY  
MGH Case No.: 1924  
DCM Case No.: MGH-036AUS


Dear Dr. Torres:

The above-identified patent application (copy enclosed) was filed on June 27, 2003. Enclosed for your signature is a Declaration/Power of Attorney (DPOA) form for signature by you. We also request that you insert your country of citizenship. Note that your co-inventors have signed this document.

If we do not receive a copy of the DPOA form signed by you before March 12, 2004, we will assume that you have no intention of signing the DPOA document. We will proceed to protect the rights of Massachusetts General Hospital as owner of the subject matter contained in the application. Note that time is of the essence due to deadlines set by the Patent Office.

Also enclosed is an Assignment document for signature by you to be executed in the presence of a Notary.

Please feel free to contact us with any questions you may have regarding this matter.

Regards,  
  
Paul D. Durkee  
[pdd@dc-m.com](mailto:pdd@dc-m.com)

PDD/pam  
Enclosures

cc: Manoja Ratnayake Lecamwasam, Ph.D. (w/o enc.)  
Michele O'Shea (w/o enc.)

Q:\mgh-036aus\ltr to dr. torres encl. assignment, dpoa, application as filed and drawings as filed.doc

*Exhibit A2*



PATENT

**DECLARATION AND POWER OF ATTORNEY FOR  
UNITED STATES LETTERS PATENT APPLICATION**

As a below-named inventor, I, Zeina Tannous, Abel Torres, and Salvador González, hereby declare that:

My residence, post-office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: CONTRAST ENHANCING SOLUTION FOR USE IN CONFOCAL MICROSCOPY, the specification of which is attached hereto and identified as Attorney Docket No. MGH-036AUS and Client Case No. 1924.

I hereby state that I have reviewed and understand the contents of the above-identified application specification, including the claims, as amended by any amendment specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Country	Application Number	Date of Filing (month, day, year)	Priority Claimed Under 35 USC 119
			_ Yes    No _
			_ Yes    No _

*Exhibit C2*

PATENT  
 Application No.: 10/607,630  
 Filed: June 27, 2003  
 Atty. Docket No. MGH-036AUS  
 Client Case No. 1924

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION


I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

Application Number	Date of Filing (month, day, year)	Priority Claimed Under 35 USC 119(e)
60/392,515	June 27, 2002	<input checked="" type="checkbox"/> Yes    No <input type="checkbox"/>
		<input type="checkbox"/> Yes    No <input type="checkbox"/>
		<input type="checkbox"/> Yes    No <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code §120, of the United States Application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United State Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56, and which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Date of Filing (month,day,year)	Status (Patented/Pending/Abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

Christopher S. Daly	Reg. No. 37,303
Judith C. Crowley	Reg. No. 35,091
Donald F. Mofford	Reg. No. 33,740
Paul D. Durkee	Reg. No. 41,003
Richard M. Sharkansky	Reg. No. 25,800
David W. Rouille	Reg. No. 40,150
Kermit Robinson	Reg. No. 48,734
Robert V. Klauzinski	Reg. No. 42,742
Cathy L. Peterson	Reg. No. 41,249

all of Daly, Crowley & Mofford, LLP, 275 Turnpike Street, Suite 101, Canton, Massachusetts 02021-2354, jointly, and each of them severally, my attorneys at law, with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all telephone calls and address all correspondence to:

Robert V. Klauzinski  
Daly, Crowley & Mofford, LLP  
275 Turnpike Street, Suite 101  
Canton, Massachusetts 02021-2310  
Telephone no. (781) 401-9988  
Facsimile: (781) 401-9966

Full name of First Joint Inventor Zeina Tannous	
Inventor's Signature	Date
Residence 1 Longfellow Place, Apt. 814, Boston, MA 02114	
Country of Citizenship	
Post Office Address (if different)	

PATENT  
Application No.: 10/607,630  
Filed: June 27, 2003  
Atty. Docket No. MGH-036AUS  
Client Case No. 1924

Full name of Second Joint Inventor Abel Torres	
Inventor's Signature	Date
Residence 25853 Sunrise Way, Loma Linda, California 92354	
Country of Citizenship	
Post Office Address (if different)	

PATENT  
Application No.: 10/607,630  
Filed: June 27, 2003  
Atty. Docket No. MGH-036AUS  
Client Case No. 1924

Full name of Third Joint Inventor Salvador González	
Inventor's Signature	Date
Residence 82 West Cedar Street, Boston, MA 02114	
Country of Citizenship	
Post Office Address (if different)	

Q:\mgh--36aus\pto declaration

PATENT

A S S I G N M E N T

Whereas we, the undersigned, Zeina Tannous, Abel Torres, and Salvador González, hereby have made certain inventions or discoveries (or both) set forth in an application for Letters Patent of the United States of America entitled CONTRAST ENHANCING SOLUTION FOR USE IN CONFOCAL MICROSCOPY, identified as Attorney Docket No. MGH-036AUS and Client Case No. 1924, which application was executed on \_\_\_\_\_ and filed on June 27, 2003 and Assigned Application No. 10/607,630. In the event that the execution date, filing date and/or Application No. are not entered above at the time we executed this document, and if such information is deemed necessary, we hereby authorize and request our attorneys at Daly, Crowley & Mofford, LLP, 275 Turnpike Street, Suite 101, Canton, MA 02021-2310, to insert above the execution date, filing date and/or Application No. of said application.

Whereas, The General Hospital Corporation, a Massachusetts corporation having a place of business at 55 Fruit Street, Boston Massachusetts 02114, and which, together with its successors and assigns, is hereinafter called "Assignee," is desirous of acquiring the title, rights, benefits and privileges hereinafter recited;

Now, therefore, for valuable consideration furnished by Assignee to us, receipt and sufficiency of which we hereby acknowledge, we hereby, without reservation:

1. Assign, transfer and convey to Assignee the entire right, title and interest in and to said inventions and discoveries, said application for Letters Patent of the United States of America, any and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation, reissue, re-examination and Convention applications based in whole or in part upon said inventions or discoveries, or upon said applications, and any and all Letters Patent, reissues, reexaminations, and extensions of Letters Patent granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications and said Letters Patent;

2. Authorize Assignee to file patent applications in any or all countries on any or all of said inventions and discoveries in my name or in the name of Assignee or otherwise as Assignee may deem advisable, under the International Convention or otherwise;

3. Authorize and request the Commissioner of Patents and Trademarks of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as assignee of the entire right, title and interest therein or otherwise as Assignee may direct;

4. Warrant that I have not knowingly conveyed to others any right in said inventions, discoveries, applications or patents or any license to use the same or to make, use or sell anything embodying or utilizing any of said inventions or discoveries; and that I have good right to assign the same to Assignee without encumbrance;

*Exhibit D2*

PATENT  
Application No.: 10/607,630  
Filed On: June 27, 2003  
Attorney Docket No.: MGH-036AUS  
Client Case No.: 1924

5. Bind my heirs, legal representatives and assigns, as well as myself, to do, upon Assignee's request and at Assignee's expense, but without additional consideration to me or them, all acts reasonably serving to assure that the said inventions and discoveries, the said patent applications and the said Letters Patent shall be held and enjoyed by Assignee as fully and entirely as the same could have been held and enjoyed by me, my heirs, legal representatives and assigns if this assignment had not been made; and particularly to execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by Assignee; to communicate to Assignee all facts known to me relating to said inventions and discoveries or the history thereof; and to furnish Assignee with any and all documents, photographs, models, samples and other physical exhibits in my control or in the control of my heirs, legal representatives or assigns which may be useful for establishing the facts of my conceptions, disclosures, and reduction to practice of said inventions and discoveries.

In testimony of which we have each executed this Assignment as an instrument under seal on the date indicated next to each of our respective names.

State or Commonwealth of \_\_\_\_\_

County \_\_\_\_\_

Dated \_\_\_\_\_

\_\_\_\_\_  
Zeina Tannous

On this \_\_\_\_\_ day of \_\_\_\_\_, 2003, before me appeared Zeina Tannous, to me known and known to me as the person described in and who executed the foregoing instrument, and she acknowledged the same to be her free act and deed.

\_\_\_\_\_  
Notary Public



PATENT  
Application No.: 10/607,630  
Filed On: June 27, 2003  
Attorney Docket No.: MGH-036AUS  
Client Case No.: 1924

State or Commonwealth of \_\_\_\_\_

County \_\_\_\_\_

Dated \_\_\_\_\_

\_\_\_\_\_  
Abel Torres

On this \_\_\_\_\_ day of \_\_\_\_\_, 2004, before me appeared Abel Torres, to me known and known to me as the person described in and who executed the foregoing instrument, and he acknowledged the same to be his free act and deed.

\_\_\_\_\_  
Notary Public

PATENT  
Application No.: 10/607,630  
Filed On: June 27, 2003  
Attorney Docket No.: MGH-036AUS  
Client Case No.: 1924

State or Commonwealth of \_\_\_\_\_

County \_\_\_\_\_

Dated \_\_\_\_\_

\_\_\_\_\_  
Salvador González

On this \_\_\_\_\_ day of \_\_\_\_\_, 2003, before me appeared Salvador González, to me known and known to me as the person described in and who executed the foregoing instrument, and he acknowledged the same to be his free act and deed.

\_\_\_\_\_  
Notary Public

MGH-036AUS\PTO Assignment.doc





## Track & Confirm

### Current Status

You entered ER33 3137 910U S

Your item was delivered at 1:22 pm on February 24, 2004 in LOMA LINDA, CA 92354. Waiver of signature was exercised at time of delivery.

[Shipment Details >](#)

### Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)[Go >](#)

### Notification Options

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[Go >](#)

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Copyright © 1999-2002 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

Exhibit F2

Paul D. Durkee

---

**From:** Paul D. Durkee  
**Sent:** Monday, March 01, 2004 10:01 AM  
**To:** 'ABELT@aol.com'  
**Cc:** 'Manoja Lecamwasam'; Michele A. O Shea (MAOSHEA@PARTNERS.ORG); Trish McHugh  
**Subject:** MGH-036AUS MGH Case No. 192 Contrast agent patent application

**Importance:** High



mgh-036aus final MGH-036AUS PTO mgh-036AUS PTO MGH-036AUS  
drawings from... declaration.doc... assignment w-no... Patent Application ...

Dr. Torres,

As you know, the above application was filed with the patent office on June 27, 2003. A copy of the application as filed, figures, declaration/power of attorney form (DPOA), and assignment forms are attached. Please review the application and print out, sign, and return the executed DPOA to us as soon as possible.

If we do not receive the signed DPOA from you before March 12, 2004, we will assume that you have no intention of cooperating in this matter and no further correspondence will be sent to you. We note that you have had numerous opportunities to provide your signed DPOA form from past correspondence and E-mails from this office and from Massachusetts General Hospital.

Please also sign in the presence of a notary and return the attached assignment form.

If you have any questions, please contact me.

Regards,

Paul Durkee  
Daly, Crowley & Mofford, LLP  
275 Turnpike Street  
Suite 101  
Canton, MA 02021

Tel (781) 401-9988 ext. 21  
Fax (781) 401-9966  
E-mail: pdd@dc-m.com

This message and any attachments to it may contain PRIVILEGED AND CONFIDENTIAL ATTORNEY CLIENT INFORMATION AND/OR ATTORNEY WORK PRODUCT exclusively for intended recipients. Please DO NOT FORWARD OR DISTRIBUTE to anyone else. If you have received this e-mail in error, please contact the sender immediately to report the error and then delete this message from your system.

Exhibit 62

**Paul D. Durkee**

---

**From:** Trish McHugh [pam@dc-m.com]  
**Sent:** Monday, October 06, 2003 1:58 PM  
**To:** Paul D. Durkee  
**Subject:** FW: MGH-036AUS - Assignment Document and Declaration and Power of Attorney (D...  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Paul:

This is the email that Rob just spoke to you about.

Trish A. McHugh  
Daly, Crowley & Mofford LLP  
Suite 101  
275 Turnpike Street  
Canton Ma. 02021  
phone 781-401-9988 Ext. 34  
fax 781-401-9966

**Confidentiality Statement:**

This message and any attachments to it may contain PRIVILEGED AND CONFIDENTIAL ATTORNEY CLIENT INFORMATION AND/OR ATTORNEY WORK PRODUCT exclusively for intended recipients. Please DO NOT FORWARD OR DISTRIBUTE to anyone else. If you have received this e-mail in error, please contact the sender immediately to report the error and then delete this message from your system.

-----Original Message-----

**From:** ABELT@aol.com [mailto:ABELT@aol.com]  
**Sent:** Monday, October 06, 2003 1:41 AM  
**To:** pam@dc-m.com  
**Cc:** JLutz@ahs.llumc.edu  
**Subject:** Re: MGH-036AUS - Assignment Document and Declaration and Power of Attorney (D...

Hi Trish,

Sorry for the delay in answering but I have been traveling quite a bit. I have reviewed the documents and have a question. I interpret the documents as assigning my interest in the patent for consideration. Is this correct? If yes, to whom am I assigning them and for what consideration? I also understand we are dealing with a deadline. Is this correct and what is that deadline? I tried calling your office but because of the time difference found it difficult to find a time during which we could connect. Is there a good time and number to connect with you?

Abel Torres

*Exhibit H2*

3/18/2004



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/607,630  
Applicant : Zeina Tannous et al.  
Filed : June 27, 2003  
T.C./A.U. : 1645  
Examiner : Not Yet Assigned

Confirmation No.: 8743

Docket No. : MGH-036AUS  
Customer No. : 022494

---

**Certificate of Mailing (37 C.F.R. 1.8(a))**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date set forth below.

19 Mar 04  
Date of Signature

By: Paul D. Durkee  
Paul D. Durkee  
Reg. No. 41,003  
Attorney for Applicant(s)

---

**Declaration of Michele O'Shea**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sirs:

1. My name is Michele O'Shea and my title is Inventions Administrator, Massachusetts General Hospital (MGH).
2. It is my understanding and belief that the law firm of Daly, Crowley and Mofford LLP prepared a patent application as instructed for MGH related to a contrast enhancing solution for use in confocal microscopy having inventors Zeinna Tannous, Abel Torres, and Salvador Gonzalez.
3. The above-identified application was filed on June 27, 2003.

4. Inventors Tannous and Gonzalez executed declarations without application number on August 20, 2003 and September 5, 2003 respectively and again on March 18, 2004 with application number.

5. Despite my efforts and the efforts of Daly, Crowley & Mofford, a signed Declaration has not been obtained from Abel Torres.

6. (see Exhibit A1) On December 18, 2003, I sent a declaration document and an assignment document associated with the above-identified patent application to Abel Torres at email address abelt@aol.com. No signed declaration or assignment were subsequently returned to me.

7. (see again Exhibit A1) On January 12, 2004, I sent an email reminding Abel Torres of the December 18, 2003 email requesting signatures. I sent this email to Abel Torres at email address abelt@aol.com. No signed declaration or assignment were subsequently returned to me.

8. (see Exhibits B1 and C1) On January 20, 2004, I sent the declaration document and the assignment document, via UPS Next Day delivery, with tracking number 1Z AOX 225 22 1002 191 6 to home address:

25853 Sunrise Way

Loma Linda, California 92354

I received confirmation that package delivery occurred on January 21, 2004, at 8:54 AM. Again, no signed declaration or assignment were subsequently returned to me.

9. (see exhibit D1) On January 28, 2004, I spoke by telephone with Janet, Abel Torres' assistant, at the Loma University Medical Center at telephone number 909-558-2999. Janet indicated that she would follow up directly with Abel Torres. I also faxed the declaration document and assignment document to Abel Torres's office at fax number 909-558-2442. Again, no signed declaration or assignment were subsequently returned to me.

10. I have not received any responses to my attempts to contact Abel Torres.



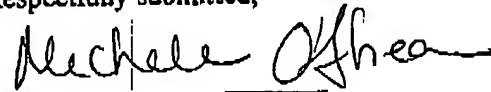
Application No.: 10/607,630

MGH-036AUS

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: March 19, 2004

Respectfully submitted,



Michele O'Shea  
Inventions Administrator  
Massachusetts General Hospital

Attachments: Exhibits A1-D1

Q:\mgh\036aus (1924 - Gonzalos)\mgh-036aus Declaration of Michele O'Shea.doc

## Kermit Robinson

---

**From:** Oshea, Michele A. [MAOSHEA@PARTNERS.ORG]  
**Sent:** Wednesday, February 18, 2004 11:20 AM  
**To:** Kermit Robinson  
**Subject:** FW: MGH Case No. 1924



mgH-036AUS PTO  
assignment w-no...



MGH-036AUS PTO  
declaration.doc...

Exhibit A1

> -----Original Message-----  
> From: Oshea, Michele A.  
> Sent: Monday, January 12, 2004 4:58 PM  
> To: 'abelt@aol.com'  
> Cc: Lecamwasam, Manoja  
> Subject: FW: MGH Case No. 1924  
>  
> Dr. Torres - I would like to remind you that we are waiting for you to  
> sign a Patent Assignment and Declaration/Power of Attorney for the  
> above referenced case. The deadline to submit these documents to the  
> Patent Office is January 22nd. Please contact me as soon as possible  
> to let me know when we can expect to receive these documents. We  
> appreciate your assistance in this matter.  
>  
> Michele  
>  
> -----Original Message-----  
> From: Oshea, Michele A.  
> Sent: Thursday, December 18, 2003 9:56 AM  
> To: 'abelt@aol.com'  
> Cc: Lecamwasam, Manoja  
> Subject: MGH Case No. 1924  
> Importance: High  
>  
>  
> Re: U.S. Patent Application No. 10/607,630, entitled, "Contrast  
> Enhancing Solution for Use in Confocal Microscopy"  
>  
> Dr. Torres,  
>  
> As a co-inventor on the above referenced case, you are required to  
> sign a Patent Assignment and a Declaration/Power of Attorney document,  
> both of which are attached. The Patent Assignment assigns rights in  
> the patent application to Mass General Hospital. Please have the  
> attached documents signed and notarized, and return them to me at your  
> earliest convenience. We will need original signed documents, but you  
> may also send me a faxed copy. If you have any questions regarding  
> these documents, feel free to contact me. Thank you for your  
> assistance.  
>

> Michele  
>  
> <<mgh-036AUS PTO assignment w-notary utility w-multi-invent.doc>>  
> <<MGH-036AUS PTO declaration.doc>>  
>  
>  
> Michele A. O'Shea  
> Inventions Administrator  
> Corporate Sponsored Research and Licensing  
> 13th Street, Building 149, Suite 5036  
> Charlestown, MA 02129  
> Tel (617) 724-2917  
> Fax (617) 726-1668  
>

**MASSACHUSETTS  
GENERAL HOSPITAL**

Corporate Sponsored Research & Licensing  
Thirteenth Street, Building 149, Suite 5036  
Charlestown, Massachusetts 02129-2000  
Tel: 617.726.8608, Fax: 617.726.1668

Via UPS Next Day  
January 20, 2004

Abel Torres  
2583 Sunrise Way  
Loma Linda, CA 92354

RE: MGH Case No. 1924  
U.S. Patent Application No. 10/607,630  
Entitled, "Contrast Enhancing Solution for Use in Confocal Microscopy"

Dear Dr. Torres,

Enclosed please find the following documents pertaining to the above referenced patent application that require your signature:

- 1) Patent Assignment (Notarization Required)
- 2) Declaration and Power of Attorney

The Assignment and Declaration/Power of Attorney documents must be submitted to the U.S. Patent Office as soon as possible. Please sign the enclosed documents and return them to me using the enclosed UPS envelope. Thank you in advance for your prompt attention to this matter. Feel free to contact me if at (617) 724-2917 if you have any questions.

Sincerely,

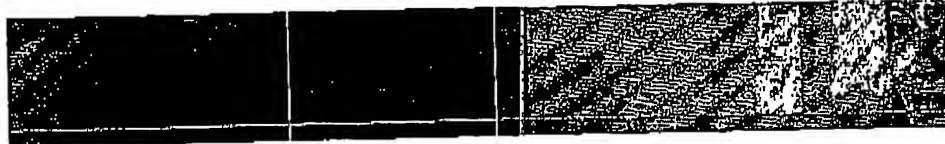
Michele O'Shea  
Inventions Administrator

Enclosures

cc: Manoja Lecamwasam  
Paul Durkee, Daly, Crowley & Mofford

Exhibit B1

## UPS Package Tracking

[Home](#) | [About UPS](#) | [Contact UPS](#) | [Welcome Center](#)

## Tracking

Log-In User ID: Password: [Forgot Password](#)[Reset](#)

- [Track by Tracking Number](#)
- [Track by Reference Number](#)
- [Import Tracking Numbers](#)
- [Track by E-mail](#)
- [Get Quantum View Files](#)
- [Request Quantum View Notify](#)
- [Void a Shipment](#)
- [Help](#)



## Track by Tracking Number

## View Details

Status: Delivered  
Delivered on: Jan 21, 2004 8:54 A.M.  
Location: FRT DOOR  
Delivered to: US

Tracking Number: 1Z A0X 225 22 1002 191 6  
Service Type: NEXT DAY AIR

## Package Progress:

Date	Time	Location	Activity
Jan 21, 2004	8:54 A.M.	SAN BERNARDINO, CA, US	DELIVERY
	8:08 A.M.	SAN BERNARDINO, CA, US	CORRECT STREET # NEEDED, DELIVERED
Jan 20, 2004	6:45 A.M.	SAN BERNARDINO, CA, US	OUT FOR DELIVERY
	6:15 A.M.	SAN BERNARDINO, CA, US	ARRIVAL SCAN
	5:38 A.M.	ONTARIO, CA, US	DEPARTURE SCAN
	4:30 A.M.	ONTARIO, CA, US	ARRIVAL SCAN
	3:27 A.M.	LOUISVILLE, KY, US	DEPARTURE SCAN
	12:47 A.M.	LOUISVILLE, KY, US	ARRIVAL SCAN
	10:05 P.M.	WATERTOWN, MA, US	DEPARTURE SCAN
	8:46 P.M.	WATERTOWN, MA, US	ARRIVAL SCAN
	8:25 P.M.	SOMERVILLE, MA, US	DEPARTURE SCAN
	8:25 P.M.	SOMERVILLE, MA, US	DEPARTURE SCAN
	7:45 P.M.	SOMERVILLE, MA, US	ORIGIN SCAN
	6:11 P.M.	SOMERVILLE, MA, US	PICKUP SCAN

Tracking results provided by UPS: Jan 21, 2004 2:24 P.M. Eastern Time (USA)

**NOTICE:** UPS authorizes you to use UPS tracking systems solely to track shipments tendered by or for you to delivery and for no other purpose. Any other use of UPS tracking systems and information is strictly prohibited.

[← Back to Tracking Summary](#)[↑ Back to Top](#)

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*Exhibit C1*

Massachusetts General Hospital  
13<sup>th</sup> Street, Building 149, Suite 5036  
Charlestown, MA 02129  
Tel.: 617-726-8608  
Fax.: 617-726-1668

**Corporate Sponsored  
Research and Licensing**

**To: Abel Torres, M.D.**

**Fax: 909-558-2442**

**Company: Loma Linda University Medical Center**

**CC:**

**Fax:**

**From: Michele O'Shea**

**Date: January 28, 2004**

**RE: MGH Case No. 1924**

**Page(s): 10**

☒ **Urgent**

☐ **For Review**

☐ **Please Comment**

☐ **Please Reply**

RE: U.S. Patent Application No. 10/607,630, entitled, "Contrast Enhancing Solution for Use in Confocal Microscopy"

Dear Dr. Torres,

On January 20th, I sent you via UPS the patent documents for the above referenced case, which need to be executed as soon as possible. I sent the letter to your home address, 25853 Sunrise Way, Loma Linda. The documents were also sent to you via email, to [abelt@aol.com](mailto:abelt@aol.com).

Attached please find another copy of the Assignment and Declaration/Power of Attorney. Please sign these documents and return them to me at your earliest convenience. If you have any questions regarding these documents, feel free to call me at 617-724-2917. The U.S. Patent Office requires that these documents be submitted in a timely manner. Thank you in advance for your prompt attention to this matter.

cc: Paul Durkee, Daly, Crowley & Mofford

Exhibit D1

This facsimile transmittal may contain information that is privileged, confidential or exempt from disclosure under applicable law, and is intended for the use of only the individual or department to which it is addressed. If you are not the intended recipient, please notify the sender immediately by telephone or fax at the above number, and destroy this faxed material immediately unless directed otherwise by the sender. Anyone other than the intended recipient is hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.